IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Bail Appl..No. 6926 of 2006()

O.R. NO.9/2005 OF PALAPPILLY FOREST RANGE OFFICE

PETITIONER:

JOHNY, S/O.LONAI,
PATTIKKATTUKARAN HOUSE, POTTA P.O.,
CHALAKUDY, THRISSUR DISTRICT.

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENTS:

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1. THE RANGE OFFICER, PALAPPILLY FOREST RANGE, THRISSUR DISTRICT.

2. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 6926 of 2006

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DATED: 24-11-2006

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner who is the 2nd accused in O.R. No. 9/05 of Palappilly Forest Range Office for offence punishable under Secs.2(2), (16), (20), (31), (35), (36) Sec. 9, 39, 44, 49-A, 49-B of Wild Life Protection Act., seeks anticipatory bail.

2. Even though the learned Public Prosecutor opposed the application, having regard to the fact that the alleged occurrence took place 11 years ago and having further regard to the fact that in Annexure II statement given by A1 he has confessed that he fired the shot while hunting a bear, I am inclined to grant anticipatory bail to the petitioner. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioner on bail for a period of one month in the event of his arrest in connection with the above case on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. Petitioner shall not commit any offence while on bail.

5. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

6. Petitioner shall surrender before the Investigating officer any time between 24-11-2006 and 30-11-2006 for the purpose of custodial interrogation and for recovery, if any.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,
JUDGE.

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